



POLICE DEPARTMENT

January 8, 2015

MEMORANDUM FOR: Police Commissioner

Re: Detective Claudia Llanos
Tax Registry No. 924075
113 Detective Squad
Disciplinary Case No. 2012-6764

The above-named member of the Department appeared before me on July 30, 2014, charged with the following:

1. Said Detective Claudia Llanos, assigned to Internal Affairs Bureau Group #56, on or about November 16, 2011, while on duty, in Queens County, did fail to document investigative steps for three Internal Affairs investigations in a timely fashion, as required.

IAB Guide 610-05, Page 6, Paragraph 7 DUTIES AND RESPONSIBILITIES

The Department was represented by Scott Rosenberg, Esq., Department Advocate's Office, and Respondent was represented by James Moschella, Esq.

Respondent, through her counsel, entered a plea of not guilty to the subject charge. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent is found Guilty.

SUMMMARY OF EVIDENCE PRESENTEDIntroduction

It is not disputed that from Sept. 23, 2007 until Oct. 24, 2010, Respondent was assigned to Internal Affairs Bureau (IAB) Group 54 which investigates allegations that uniformed members of the service (UMOS) have used excessive force. Three of the IAB Group 54 cases that Respondent had been assigned to investigate were still open when, on Oct. 24, 2010, she was transferred from IAB Group 54 to IAB Group 56, which investigates allegations that UMOS have committed serious misconduct or engaged in corrupt acts.

The Department's Case

The Department called former Lieutenant Anthony Ragona and Captain Dominic Carosella as witnesses.

Lieutenant Anthony Ragona (retired)

Ragona, who retired in April 2013 after 23 years of service, was Respondent's team leader in IAB Group 54 during September and October 2010. Ragona recalled that when Respondent was transferred from Group 54 to Group 56 on Oct. 24, 2010, she had not completed worksheets documenting investigative steps she had taken in three of her Group 54 assigned cases: IAB Case No. C-09-1114, IAB Case No. C-10-0144, and IAB Case No. C-10-0336. After her transfer to Group 56, Ragona repeatedly instructed Respondent to produce the outstanding work that was due regarding these three Group 54 cases. Since Respondent had not submitted worksheets for these three cases as of April

6, 2011, on that day Ragona told Respondent that she had to turn in these worksheets. Ragona explained that because he had previously issued Respondent a Command Discipline (CD), he wanted to limit his verbal conversations with her, so after April 6, 2011, he usually communicated with her about her overdue worksheets via emails. During May, June, August, and September, 2011, he sent Respondent emails regarding worksheets that she had not submitted. In these emails he did not demand that she submit all of her worksheets by a specific deadline. Ragona agreed that during this period Respondent made some progress and did submit some worksheets.

On October 18, 2011, Ragona had a telephone conversation with Respondent during which he set a final deadline by telling her that she had to turn in all of her remaining worksheets by October 28, 2011. When this deadline passed and worksheets for the three cases were still outstanding, Ragona, on November 16, 2011, issued Respondent a CD. On December 28, 2011, he met with her to adjudicate this CD. Respondent refused to accept the CD. She handed him 28 of the outstanding worksheets that day but there were still more than 15 worksheets outstanding. As of January 3, 2012, she had still not turned in these remaining worksheets.

On cross-examination, Ragona confirmed that he did not become Respondent's supervisor until late September 2010 and that the worksheets at issue corresponded to investigative steps Respondent took prior to September 2010. Ragona could not recall what specific investigative steps the missing worksheets involved because the last time he reviewed the three IAB files was in 2012. He confirmed that members assigned to Group 54 prepared and stored their worksheets on a shared computer database and that because Respondent no longer had access to the Group 54 database after her transfer to Group 56,

she could only complete the outstanding worksheets by returning to the Group 54 office. Ragona agreed that Respondent would sometimes be called back to Group 54 to do "steering" reports for the cases she had left behind and that on some of these occasions her Group 56 supervisors did not allow her to go to Group 54.

Ragona confirmed that the 28 worksheets Respondent handed in on December 28, 2011 contained the signatures of her team leaders, the Executive Officer and the commanding officer (CO) of IAB Group 54. They were all signed before late September 2010 when Ragona became her team leader but she had never supplied them to him prior to December 28, 2011. Ragona testified that even though Respondent told him that some of her outstanding worksheets were accessible in the Group 54 database, he did not attempt to access them because he did not want to have to "fish around" in the database because until Respondent signed a printed worksheet it could not be verified and he did not want to print out possibly inaccurate drafts of worksheets. He estimated that the distance between Group 54's offices and Group 56's offices was about two miles.

Captain Dominic Carosella

Carosella is the commanding officer of IAB Group 56. Shortly after Respondent arrived at Group 56, he learned that she had left Group 54 without submitting all of her case worksheets. Over the course of the first full year that Respondent was assigned to Group 56, Respondent was sent back to the Group 54 office, sometimes for part of her tour and other times for her entire tour, on five or six occasions so that she could complete her outstanding work there. Carosella confirmed that when Respondent arrived

at Group 56 she was immediately assigned three new Group 56 cases and that her investigative caseload would have increased to eight to ten cases within a few months.

Respondent's Case

Respondent testified in her own behalf.

Respondent

Respondent testified that while she was assigned to Group 54, she typically carried a caseload of seven to 13 cases at any given time. Prior to September 2010, she reported to Lieutenant Thomas Panetta and during the nearly three years that he supervised her she was never disciplined for failing to document investigative steps. Because she and Panetta did not "see eye to eye," arrangements were made for her to be transferred to Group 56. She was informed on or about October 8, 2010 that this transfer would not take place for a couple of months so that she would have time to complete her Group 54 cases. Respondent went on vacation later that month and upon her return discovered, to her surprise, that the transfer would be taking place immediately.

Upon arriving at Group 56, Respondent was immediately assigned three cases. Her average caseload soon increased to seven to ten cases. She traveled back and forth between Group 54's office and Group 56's office in an effort to complete all of her cases. She asserted that at one point she was carrying as many as 23 cases in total which she described as unheard of for an IAB investigator. On some days after her scheduled tour of duty at Group 56 ended, she would stop at Group 54's office to drop worksheets off on her way home from work. She asserted that she had already completed many of the

worksheets that Ragona was emailing her about because she had completed them prior to her transfer. When she informed Ragona that the worksheets he was emailing her about were available in the Group 54 database, he told her they were not there.

When she was asked how she felt about the allegation that she failed to document her investigative steps in a timely fashion, she replied, "I felt I was treated unfairly, because it was unfair . . . transferring me the way they did. Other investigators weren't treated that way. There were other investigators they knew they were going to be leaving IAB or being transferred. They were given ample time to do what they had to do.... They were allotted the time to take care of what they needed to take care of."

On cross-examination, Respondent confirmed that the 28 worksheets she brought with her to the December 28, 2011 meeting with Ragona had been previously requested by Ragona. She agreed that the worksheets that she told Ragona he could find on the Group 54 computer database were unsigned drafts. Respondent asserted that these drafts could have been accessed and printed out from the database and signed on her behalf because this had been done before when an investigator who had prepared a draft became unavailable for some reason. With regard to the 28 signed worksheets that she handed to Ragona on December 28, 2011, she was asked why she had not provided these worksheets to Ragona on or prior to November 16, 2011, so that she could have avoided being issued a CD by him for failing to document her investigative steps in a timely fashion. She answered, "I was being demanded from Group 56 to complete steering reports and I was very overburdened with casework." She asserted that there had been occasions when Group 54 supervisors requested her presence at their office but Carosella would not let her go.

FINDINGS AND ANALYSIS

It is charged that Respondent, on or about November 16, 2011 while she was assigned to IAB Group 56, failed to document investigative steps for three IAB Group 54 investigations in a timely fashion. The charge cites to IAB Guide Procedure No. 610-05 "Duties and Responsibilities." This procedure requires IAB investigators to "prepare reports accurately and in a timely fashion."

Respondent asserted that when she was informed on October 8, 2010 that she was being transferred from Group 54 to Group 56, she was told that she would remain at Group 54 for two months so that she could finish her worksheets documenting her investigative steps regarding the three Group 54 cases that are the subject of this charge.

Respondent argued that this promise was reneged on and that she was subsequently overburdened with work because while she was on vacation on October 24, 2010, she was transferred to Group 56. Carosella corroborated Respondent's testimony that she was immediately assigned three cases at Group 56 and that after a few months her Group 56 workload was as many as ten cases, even as Ragona was demanding that she provide him with worksheets regarding her three remaining Group 54 cases. Respondent also argued that she had been treated unfairly. She asserted that other, unnamed, IAB investigators who were transferring out of IAB had been given ample time to complete their work before their transfers took effect.

However, Respondent did not dispute that the 28 worksheets she handed Ragona on December 28, 2011 had all been signed by her and signed and verified by her team leader, the XO, and the CO, before Ragona became her team leader in September 2010.

Respondent offered no reasonable explanation for why it took her 15 months to provide these 28 signed and verified worksheets to Ragona. Moreover, it is clear that the reason that Respondent finally handed in these 28 worksheets on December 28, 2011, was because Ragona had issued her a CD on November 16, 2011 for failing to document her investigative steps in a timely fashion. Finally, I credit Ragona's testimony that even after Respondent handed him 28 worksheets on December 28, 2011, Respondent still owed him at least 15 more worksheets.

Thus, even if I credit Respondent's assertion that during the final two months of 2010 and during all of 2011 she was "overburdened" trying to complete her outstanding worksheets on her three remaining Group 54 cases at the same time that she was working on her assigned investigations at Group 56, she had a duty to do everything she reasonably could do to comply with Ragona's repeated requests during 2011 that she provide him with signed worksheets. Since she knew, or should have known, that she possessed 28 worksheets that had already been signed and verified before Ragona became her team leader, and since she knew, or should have known, that she had never provided these 28 worksheets to Ragona, she failed in this duty.

Respondent is found Guilty.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on July 7, 1999. Information from her personnel record

that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Assistant Department Advocate recommended that Respondent's penalty consist of the forfeiture of 15 vacation days.

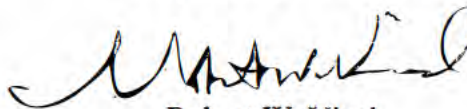
In determining a penalty recommendation I have taken into consideration the fact that Respondent is a 15-year member who has no prior formal disciplinary record and who has never been placed on monitoring.

I have also taken into consideration that Ragona agreed that between May and September, 2011, Respondent made some progress by submitting some worksheets and that Ragona agreed that some of the worksheets he was waiting for Respondent to submit may have only documented minor, ministerial matters, such as vacation leave, rather than substantive investigative actions.

Finally, I have also taken into consideration the fact that neither Ragona nor Carosella asserted that Respondent's failure to submit worksheets in a timely fashion had adversely impacted any criminal prosecution or any Departmental disciplinary case.


Therefore, it is recommended that Respondent forfeit five vacation days.

Respectfully submitted,



Robert W. Vinal
Assistant Deputy Commissioner Trials

APPROVED

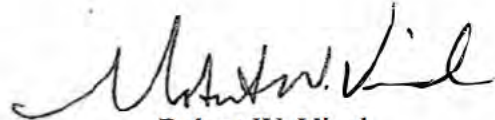
JAN 26 2015

WILLIAM J. BRATTON
POLICE COMMISSIONER

POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner - Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
DETECTIVE CLAUDIA LLANOS
TAX REGISTRY NO. 924075
DISCIPLINARY CASE NO. 2012-6764

Respondent received an overall rating of 4.0 on her 2013-2014 evaluation, 3.5 on her 2012-2013 evaluation, and 2.5 on her 2011-2012 evaluation. She has been awarded one Excellent Police Duty medal. [REDACTED] She has no prior formal disciplinary record and no monitoring records.

For your consideration.



Robert W. Vinal
Assistant Deputy Commissioner – Trials